

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ALEXANDRA CONTRERAS,

Plaintiff,

-v-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
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13-CV-6474 (JMF) (SN)

ORDER

JESSE M. FURMAN, United States District Judge:

The Court referred this appeal from the Commissioner of Social Security's denial of disability benefits to Magistrate Judge Sarah Netburn for a Report and Recommendation. (Docket No. 9). On March 17, 2014, the Commissioner moved for judgment on the pleadings. (Docket No. 18). In a Report and Recommendation filed on September 12, 2014, Magistrate Judge Netburn recommended that the Commissioner's motion be granted. (Docket No. 22).

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). A district court "must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, however, a district court need only satisfy itself that there is no clear error on the face of the record. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). This clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. *See, e.g., Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

In the present case, the Report and Recommendation advised the parties that they had 14 days from service of the Report and Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object or to appeal the judgment. (Docket No. 22, at 26-27). In addition, it expressly called Plaintiff's attention to Rules 72, 6(a), and 6(b) of the Federal Rules of Civil Procedure and Title 28, United States Code, Section 636(b)(1). *See Caidor v. Onondaga Cnty.*, 517 F.3d 601, 604 (2d Cir. 2008) (even a *pro se* Plaintiff waives the right to appellate review by not timely objecting to a report and recommendation, provided that the Magistrate Judge warned Plaintiff and cited the appropriate provisions of the Federal Rules and Title 28). Nevertheless, as of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. Accordingly, Plaintiff has waived the right to object to the Report and Recommendation or to obtain appellate review. *See id.*; *Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992).

Despite the waiver, the Court has reviewed the Report and Recommendation, unguided by objections, and finds the Report and Recommendation to be well reasoned and grounded in fact and law. Accordingly, the Report and Recommendation is adopted in its entirety and the Commissioner's motion for judgment on the pleadings is GRANTED.

The Clerk of the Court is directed to close the case and to mail Plaintiff a copy of this Order.

SO ORDERED.

Dated: October 14, 2014
New York, New York



JESSE M. FURMAN
United States District Judge